

17.02.2026.
PB
Sl. No.56.
Ct. No.652.

WPA 12981 of 2017

Gangadhar Naskar
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Roy,
Mr. Arun Kumar Halder.
... For the Petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Debopriyo Karan.
... For the State.

The writ petitioner is an Assistant Teacher of the Deaf and Dumb School namely, Calcutta Deaf and Dumb School in the district Kolkata. The writ petitioner is qualified in Master Degree in 'Education' subject and date of publication of his result of Master Degree Examination is on June 03, 2009.

On the basis of the higher qualification, the petitioner sought for higher scale of pay to be granted in his favour from the relevant date, which prayer of the petitioner has been rejected by the respondent, Director of Mass Education vide his order dated January 20,, 2017.

Being aggrieved, the petitioner has challenged the said order dated January 20, 2017, in the instant writ petition.

Mr. Roy, learned advocate appearing on behalf of the petitioner has submitted that in delivering the order dated January 20, 2017, as impugned in the instant writ petition, the respondent authority has failed to consider a Government Order No.1102-Edn. (SE)/38 – 25/66 dated December 13, 1966 published earlier which, he says, is meant for the teachers with higher qualification in the special school of Deaf and Dumb like the school where the petitioner has been working in. With reference to the copy of the said Government Order as annexed in the instant writ petition, it is submitted that the benefit of the said order should be advanced to the writ petitioner too.

Mr. Roy has further submitted that later on, the petitioner participated in the recruitment process and was appointed in general school, as an Assistant Teacher since from December 11, 2013. The petitioner has been granted the higher scale of pay in accordance with his educational qualification in the said school with effect from December 11, 2013.

Therefore, in the instant writ petition, the petitioner's claim is confined to, within the period June 03, 2009 to December 11, 2013 during which period while working in the special Deaf and Dumb School, the writ petitioner seeks benefits to be granted in terms of the Government Order dated December 13, 1966.

After careful perusal of the impugned order dated January 20, 2017, this Court finds that in the same, the respondent authority has not dealt with the Government Order as mentioned above dated December 13, 1966. Whereas, the said Government Order has specifically provided that the trained master degree qualified and honours graduate teachers of the Kolkata Deaf and Dumb School will be entitled to draw pay in the scale of higher qualification. The benefit being extended to one of the similar kind of school vide order dated December 13, 1966, is found necessary to be extended to the present petitioner too for the reason of equality and parity to be maintained.

In view of the above, the impugned order dated January 20, 2017, bears no merit and is liable to be set aside. Hence, the same is set aside.

For this reason, this Court finds it proper to relegate the matter before the respondent no.2, for consideration afresh as to the issue regarding grant of higher scale of pay to the writ petitioner from the date June 03, 2009 to December 11, 2013 when he was posted in the said Deaf and Dumb school.

In doing so, the respondent authority shall afford opportunity of hearing to the petitioner and pass a reasoned order in accordance with law, within a

period of four weeks from the date of communication of copy of this order.

The writ petition being WPA 12981 of 2017 is disposed of.

All parties shall act on a server copy of this order duly down loaded from the official website of this Court.

(Rai Chattopadhyay, J.)